

REMARKS

The Applicants have now had an opportunity to carefully consider the comments set forth in the Final Office Action of March 17, 2004. Additionally, the Applicants had the opportunity to briefly discuss comments set forth in the Office Action with the Examiner. A summary of that conversation is provided below. Amendment, reexamination and reconsideration of the application are respectfully requested.

The Office Action

In the Office Action mailed March 17, 2004:

claims 4-6, 9, 10, 14-16, 19, 20, 24-26, 29, 30 and 43 were found to include allowable subject matter;

claims 1, 7, 11, 17, 21, 27 and 33-38 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,397,055 to McHenry et al. ("McHenry");

claim 39 was rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,905,789 to Buhrmann et al. ("Buhrmann");

claims 2, 12 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over McHenry in view of what the Office Action characterizes as Applicants admitted prior art;

claims 3, 8, 13, 23 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over McHenry in view of what the Office Action characterizes as Applicants admitted prior art and further in view of U.S. Patent No. 6,175,574 to Lewis ("Lewis");

claims 31 and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over McHenry in view of U.S. Patent No. 6,219,551 to Hentilä et al. ("Hentilä"); and

claims 40-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Buhrmann in view of Lewis.

Telephone Interview Summary

The participation of the Examiner Mr. Ovidio Escalante in a brief telephone interview with the representative of the Applicants, Mr. Thomas Tillander, on or about March 25, 2004 is noted with appreciation. In that interview, the Examiner's Response to Arguments, provided in the present Office Action, was discussed. The meaning of the word --parameter-- was briefly discussed. The examiner reviewed a dictionary

definition of the word and considered Mr. Tillander's submission that McHenry does not disclose or suggest a --tandem parameter--. The Examiner concluded that this argument might have merit. Additionally, the definition of tandeming provided in the present application was discussed. The Examiner agreed that the cited references do not disclose or suggest tandeming as defined in present application. However, the Examiner explained that he was reading --tandeming-- more broadly and suggested the inclusion of language directed at the Applicants definition in the claims. In this regard, it is respectfully submitted that **claims 1, 11 and 21** have been amended as suggested by the Examiner.

While the Examiner agreed that such amendments would remove the cited references, the Examiner also indicated that newly cited references in a related application (Serial No. 09/591,471) might then be applied.

Reply to Response to Arguments

In response to the Applicants argument that the references fail to show a --tandeming parameter--, the Office Action makes reference to page 12, lines 1-16 of the Applicants specification and asserts that the features described there are not recited in the rejected independent claims. However, the Applicants did not make reference to this portion of the specification in order to rely on features disclosed there but rather to help explain the Applicants use of the word --parameter--. Webster's 3rd New International Dictionary of the English Language Unabridged defines parameter as: an arbitrary constant characterizing by each of its values some member of a system; and as an independent variable through functions of which other functions may be expressed. It is a definition similar to these that is embraced by the present application.

Page 12, lines 1-6 were referenced in the Applicants argument as evidence of this. It is respectfully submitted that McHenry does not disclose or suggest an arbitrary constant characterizing by each of its values some member of a system for an independent variable through functions of which other functions may be expressed directed toward the function of tandeming. The mere presence of an account record does not anticipate or suggest a --tandem parameter--. Instead, it is respectfully submitted that McHenry teaches away from a --tandeming parameter-- by indicating that such a parameter is not required.

Since McHenry does not disclose or suggest the --tandem parameter--, McHenry cannot disclose or suggest taking actions based on a value of the --tandem parameter--

. Therefore, McHenry does not disclose or suggest routing a call to a subscriber when a tandem parameter does not indicate tandeming or obtaining a routing parameter and performing digit analysis when a tandem parameter indicates tandeming.

Claim 37 has been amended as suggested by the Examiner's Response to the Applicants' arguments to include an indication of the intended meaning of --one number telecommunication service--.

With regard to the Examiners comment that broadly recited, the term tandem parameter (and tandeming) does not require that the call leg be diverted by a switch to an application node and then being returned to the switch for further processing, as suggested by the Examiner in the telephone interview summarized above, independent **claims 1, 11 and 21** have been amended to indicate that tandeming includes returning the call leg to the node or switch from which it was diverted.

The Claims are Not Anticipated

Claims 1, 7, 11, 17, 21, 27 and 33-38 are rejected under 35 U.S.C. §102(e) as being anticipated by McHenry.

In explaining the rejections of **claims 1, 11 and 21**, the Office Action asserts that McHenry teaches receiving a second message containing a tandem parameter and directs the attention of the Applicants to column 9, line 58 - column 10, line 7 in support of this assertion. However, the referenced section explains that the mere presence of an account record for a subscriber serves an indication that a particular subscriber telephone number of the wireless carrier has an associated subscription to a CPP service. As explained above, it is respectfully submitted that the mere presence of a subscriber record is not analogous to and does not disclose or suggest a tandem parameter. For example, Webster's 3rd International Dictionary of the English Language Unabridged defines a parameter as an arbitrary constant characterizing by each of its values some member of a system and as an independent variable through functions of which other functions may be expressed. It is respectfully submitted that McHenry does not disclose or suggest an arbitrary constant or an independent variable for indicating or expressing tandeming.

For at least the foregoing reasons, **claims 1, 11 and 21**, as well as **claims 2-10, 12-20 and 22-38** which depend respectively therefrom, are unanticipated and are not obvious in light of McHenry.

Additionally, **claim 1** has been amended to recite receiving an incoming call leg

at a first node, the incoming call leg being directed to a called party directory number and when the digit analysis has been performed successfully, tandeming the incoming call leg to the application node, whereby when processing at the application node is completed, the call leg is returned to the first node. It is respectfully submitted that McHenry does not disclose or suggest tandeming whereby when processing at an application node is completed the call leg is returned to a node from which it was directed. Furthermore, it is respectfully submitted that the Examiner agreed during the telephone interview summarized above, that such an amendment would remove McHenry as a reference. **Claims 11 and 21** have been similarly amended.

For at least the foregoing additional reasons, **claims 1, 11 and 21** as well as **claims 2-10, 12-20 and 22-38**, which depend respectively therefrom are unanticipated and are not obvious in light of McHenry.

Claims 7, 17, 27 and 33-38 depend from one of **claims 1, 11 and 21** and are unanticipated by McHenry for at least that reason. Additionally, arguments similar to those presented in Applicants Response A are submitted in support of **claims 7, 17, 27 and 33-38**.

Claim 39 was rejected under 35 U.S.C. §102(e) as being anticipated by Buhrmann.

However, **claim 39** has been amended to recite a second predetermined value, the second predetermined value designating that tandeming is to be performed for the incoming call leg to the network switch, whereby the network switch is directed to route the incoming call leg to an application node and to receive the call leg from the application node when processing by the application node is completed. It is respectfully submitted that while Buhrmann discloses a call completion feature active parameter, Buhrmann does not disclose or suggest tandeming a call to an application node in order to provide voicemail and call forwarding services, wherein a network switch is directed to route an incoming call leg to an application node and to receive the call leg from the application node when processing by the application node is completed.

Additionally, it is respectfully submitted that the Examiner agreed, during the above summarized telephone interview, that Buhrmann did not disclose or suggest a network switch is directed to route an incoming call leg to an application node and to receive the call leg from the application node when processing by the application node is completed.

For at least the foregoing reasons, **claim 39**, as well as **claims 40-43**, which depend therefrom, is unanticipated and is not obvious in light of Buhrmann.

The Claims are Not Obvious

Claims 2, 12 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over McHenry in view of what the Office Action characterizes as Applicants admitted prior art. In explaining this rejection, the Office Action stipulates that McHenry does not specifically teach transmitting a third message to a database, the third message indicating a tandeming failure, and asserts that the present application notes that it is well known in the art to indicate that tandeming is unsuccessful.

However, **claims 2, 12 and 22** depend from **claims 1, 11 and 21** are unanticipated and are not obvious for at least those reasons. Additionally, in support of the assertion that the present application notes that it is well known in the art to indicate that tandeming is unsuccessful the Office Action directs the attention of the Applicants to page 2, lines 18-23. However, the referenced section explains that in the prior art, if tandeming is unsuccessful, no provision is made for call delivery or other services for the subscriber. Instead, the prior art systems typically provide only a reorder (fast busy) announcement to the calling party, who must then redial the call. It is respectfully submitted that nothing in this discussion of the prior art discloses or suggests transmitting a third message to a database or that the third message indicates a tandeming failure. It is respectfully submitted that the cited portion of the present application recognizes a problem that is not properly addressed by the prior art. Additionally, it is respectfully submitted that **claims 2, 12 and 22** each recite an aspect that is a further improvement over the prior art.

For at least the foregoing additional reasons, **claims 2, 12 and 22**, as well as **claims 3-6, 13-16 and 23-26**, which depend respectively therefrom, are unanticipated and are not obvious in view of McHenry and the subject matter characterized by the Office Action as Applicants admitted prior art, taken alone or in any combination.

Claims 3, 8, 13, 23 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over McHenry, the subject matter characterized as Applicants admitted prior art and further in view of Lewis.

Claims 3 and 8 depend from **claim 1**. **Claim 13** depends from **claim 11**. **Claims 23 and 28** depend from **claim 21**. **Claims 3, 8, 13, 23 and 28** are patentably

distinct and are not obvious for at least those reasons.

Additionally, as explained above, McHenry does not disclose or suggest a tandeming parameter whereby when processing at an application node is completed a call leg is returned to a first node from which the call leg was directed to the application node. Lewis does not remedy this deficiency. Even if Lewis discloses or suggests single octets or a plurality of octets or SS7 messages, Lewis does not disclose or suggest a tandeming parameter, a tandeming parameter being a predesignated value of a single octet field, a tandeming parameter being a predesignated value of a single octet field within an ANSI compatible calling features indicator parameter or that a tandeming failure is indicated as predetermined value in an ANSI compatible redirection reason.

For at least the foregoing additional reasons, **claims 3, 8, 13, 23 and 28** are unanticipated and are not obvious in light of McHenry, Lewis and the discussion of the lack of tandeming failure messages found in the present application and referenced by the Office Action, taken alone or in any combination.

Claims 31 and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over McHenry in view of Hentilä. **Claims 31 and 32** depend from **claim 21** and are unanticipated and are not obvious for at least those reasons.

Claims 40-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Buhrmann in view of Lewis. However, **claims 40-42** depend from claim 39 and are unanticipated and are not obvious for at least those reasons. Additionally, even if Buhrmann discloses SS7 signaling, Buhrmann does not disclose or suggest a tandem parameter. As explained above, the call forwarding and selective acceptance activation information of Buhrmann is not necessarily related to tandeming and Buhrmann provides no disclosure or suggestion that call forwarding or selective call acceptance use tandeming. Even if Lewis teaches signaling messages are encoded as a single or plurality of octets, Lewis does not disclose or suggest that a tandem parameter is encoded as a single or plurality of octets or that a tandem parameter is encoded as field within an ANSI compatible calling features indicator parameter.

Telephone Interview Request

In the interests of advancing this application to issue the Applicant(s) respectfully request that the Examiner telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have to place the case in condition for allowance.

CONCLUSION

Claims 1-43 remain in the application. For the reasons cited above, the application is in condition for allowance. Accordingly, an early indication thereof is respectfully requested.

Respectfully submitted,

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Date

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